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Statement of Brian S. Becker
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before the
Committee on Government Administration and Elections
Connecticut General Assembly
March 11, 2011
in support of
HB 5995

An Act Concerning a Clarification in the Determination of Party and District Enrollment
for the Purposes of Filing of Candidacies

Chairman Slossberg, Chairman Morin, Ranking Member McLachlan, Ranking Member Hwang, and the other distinguished members of the Government Administration and Elections Committee, thank you for raising and taking the time to hear testimony on HB 5995, An Act Concerning a Clarification in the Determination of Party and District Enrollment for the Purposes of Filing of Candidacies.

Section 9-400(b) of the Connecticut General Statutes spells out the procedure for nominating a person for a district office. Because of some quirks in the language, there have been inconsistent interpretations of its requirements. Specifically, the Office of the Connecticut Secretary of State in the past election cycle orally opined that a party's candidate for state representative need only live in the district he or she seeks to represent at the time he or she is sworn into office and not at any time before. A more recent inquiry yielded a different opinion – that a candidate needs to live in the district at the time of his or her nomination.

The confusion stems from the language in 9-400(b) that states, "A candidacy for nomination by a political party to a district office may be filed by or on behalf of any person **whose name appears upon the last-completed enrollment list of such party within any municipality or part of a municipality forming a component part of such district...**" [Emphasis added]. The key question raised by this language is the meaning of "last completed enrollment list of such party." Given the ever-changing nature of party enrollment lists, it would be helpful to have a

specific deadline by which a candidate's name should be included on the enrollment list and to know more specifically which enrollment list is the official one.

Fortunately, help in deciding how to clarify this question can be found in the statute itself. Section 9-400(c) provides a great answer. That section speaks to those who are eligible to sign a petition in favor of a candidate to help the candidate qualify for a place on the ballot. The statute reads: "For the purposes of this section, the number of enrolled members of a party shall be determined by the latest enrollment records in the office of the Secretary of the State prior to the earliest date that primary petitions were available."

Drawing from this language, I think the fix to 9-400(b) should be to change the relevant language to make it clear that for a person to be eligible to be nominated by a political party, that person must appear on the latest enrollment records of such party for the district that the person wishes to represent as such records are reflected in the Office of the Secretary of State at the close of business on the day before the nominating convention.

This suggestion varies slightly from what appears in the proposed bill before you, but is consistent with its intent. This change will ensure that when a person seeks a party's nomination to represent a district, he or she actually lives in the district. It avoids a potentially absurd result – that someone could win an election, fail to move into the district that just elected him or her, and fail to be seated by the General Assembly.

I hope you will support this bill. Thank you.